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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,129	11/21/2003	Eric C. Huffman	71189-1556	1128
20915 7590 02/06/2007 MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			EXAMINER MARC, MCDIEUNEL	
			ART UNIT 3661	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			02/06/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/707,129	Applicant(s) HUFFMAN ET AL.	
	Examiner McDieunel Marc	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 4-9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-13 are presented for examination.
2. The abstract of the disclosure is objected to because the title should be deleted from the abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3 and 10-13 rejected under 35 U.S.C. 102(e) as being anticipated by **Bartsch et al.** (U.S. Pat. No. 6,459,955).

As per claim 1, **Bartsch et al.**, teaches a cleaning robot which being taken for an autonomously movable home cleaning robot comprising:

a base housing (see fig. 1);

a drive system mounted to said base housing (see fig. 8A, particularly “drive and steering” or fig. 5, element 36), said drive system adapted to autonomously move said base housing on a substantially horizontal surface having boundaries ;

a computer processing unit for storing, receiving and transmitting data, said computer processing unit associated with said base housing (see fig. 8B element 118D);

a sweeper aperture and a rotary driven brush mounted for rotation in the sweeper aperture for removing debris particles from the surface (see col. 7, lines 50-55, wherein the sweeper being taken as rotary brush);

a dust bin in communication with the sweeper aperture for receiving the debris particles removed from the surface (see col. 25, lines 5-14), note that this embodiment cover the vacuum system as a whole, therefore it is inherent that a dust bin/ or a tray/ or a bag is responsible for keeping the dust/debris;

a power source connected to said drive system and said computer processing unit (see fig. 1, element 5 and col. 5, lines 56-64) whereby said computer processing unit (see fig. 8B) directs horizontal movement of said base housing (see abstract and fig. 7) within the boundaries of the surface to be cleaned based upon input data defining said boundaries (see figs. 10(A-C) and 11C); and

a dusting assembly for removing dust from the surface to be cleaned and mounted to an underside of the base housing for removing dust from the floor (see col. 7, lines 50-55).

As per claim 2, **Bartsch et al.**, teaches a cleaning robot, wherein the dusting assembly comprises a dusting pad for supporting the dusting cloth against the surface to be cleaned (see col. 23, lines 47-58) and removably mounting a dusting cloth and mounted to the base housing for movement away from the base housing for service of the dusting cloth (see col. 23, lines 47-58), bear in mind that being attached indicated mounted and the towel stands for cloth.

As per claims 3 and 10, **Bartsch et al.**, teaches a cleaning robot, wherein the dusting pad, and the dust bin are removably mounted to the base housing (see col. 23, lines 47-58 as mentioned above, attached stands for mounted).

As per claim 13, **Bartsch et al.**, teaches a cleaning robot, wherein the base member is programmed to move in a predetermined direction (see col. 22, lines 35-45), and the sweeper assembly is positioned generally forwardly in the predetermined direction with respect to the dusting assembly in the base housing (see abstract and col. 25, lines 20-27, particularly the dusting means).

With respect to claims 11 and 12, as to the dust bin being removable from the top or bottom of the base housing has been considered as a design choice, since the dust/debris should be remove from the vacuum, therefore the removal can be done anywhere on the housing of vacuum.

Allowable Subject Matter

5. Claims 4-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fail to teach or fairly suggest with respect to claim 4, a cleaning robot wherein the dusting pad is hinged to the base housing for selectively pivoting the dusting pad between a first, opened position away from the underside of the base housing for removal and mounting of the dusting cloth to the dusting pad and a second, closed position in operative position with the base housing; with respect to claims 5-9, further comprising at least one dusting cloth engagement member mounted to an upper surface of the dusting pad for retaining a first portion of the dusting cloth in combination with the other features of the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to McDieunel Marc whose telephone number is (571) 272-6964.


The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Application/Control Number:
10/707,129
Art Unit: 3661

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


McDieunel Marc
Examiner
Art Unit 3661

Thursday, February 01, 2007
MM/


THOMAS BLACK
SUPERVISORY PATENT EXAMINER